

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### 47.21 ENERGY AND POLICY PROGRAMS EXTENSION

Mr. Dan SCHAEFER of Colorado moved to suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. Dan SCHAEFER of Colorado and Mr. HALL of Texas each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and the Senate amendment to the House amendment to the Senate amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment to the Senate amendment to the House amendment to the Senate amendment was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

#### 47.22 PRIVATE SECTOR MANDATES

The SPEAKER pro tempore, Mr. KNOLLENBERG, pursuant to House Resolution 426 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. SHIMKUS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

#### 47.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MOAKLEY:

On page 5, line 13, strike "(3)" and all that follows through line 5, page 6.

It was decided in the { Yeas ..... 176  
negative ..... } Nays ..... 233

#### 47.24 [Roll No. 156] AYES—176

Abercrombie	Baldacci	Bentsen
Ackerman	Barcia	Berman
Allen	Barrett (WI)	Berry
Andrews	Becerra	Bishop

Blagojevich  
Blumenauer  
Bonior  
Borski  
Boucher  
Boyd  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Capps  
Cardin  
Carson  
Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cummings  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Dixon  
Doggett  
Doyle  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fazio  
Filner  
Ford  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Gephardt  
Gordon  
Green  
Gutierrez  
Hall (OH)  
Hall (TX)  
Hastings (FL)  
Hefner  
Hilliard  
Hinchee  
Hinojosa  
Holden

Aderholt  
Archer  
Arney  
Bachus  
Baker  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bereuter  
Bilbray  
Bilirakis  
Bliley  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boswell  
Brady  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Coble  
Coburn  
Collins  
Combest

Hooley  
Hoyer  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Klink  
Kucinich  
LaFalce  
Lampson  
Lantos  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Luther  
Maloney (NY)  
Manton  
Markay  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McDermott  
McGovern  
McHale  
McKinney  
Meehan  
Meek (FL)  
Menendez  
Miller (CA)  
Minge  
Mink  
Moakley  
Mollohan  
Moran (VA)  
Morella  
Murtha  
Nadler  
Neal  
Oberstar  
Obey

#### NOES—233

Cook  
Cooksey  
Cox  
Cramer  
Crapo  
Cubin  
Cunningham  
Danner  
Davis (VA)  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Dooley  
Doolittle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Fawell  
Foley  
Forbes  
Fossella  
Fowler  
Fox  
Franks (NJ)  
Frelinghuysen  
Gallegly  
Gekas  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goss  
Graham

Linder  
LoBiondo  
Lucas  
Maloney (CT)  
Manzullo  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
Metcalf  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oxley  
Packard  
Pappas  
Parker  
Paul  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett

#### NOT VOTING—23

Baesler	Gonzalez	Meeks (NY)
Bateman	Goodling	Paxon
Clay	Greenwood	Rogan
Crane	Harman	Ryun
Ewing	Inglis	Schumer
Fattah	Johnson (WI)	Shuster
Ganske	Livingston	Skaggs
Gibbons	McNulty	

So the amendment was not agreed to.

#### 47.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WAXMAN:

Page 6, line 5, after "exceeded" insert "or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect human health, safety, or the environment".

Page 6, after line 5, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting "or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "such fiscal year" and by inserting "or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "the estimate".

Page 6, lines 14, 16, 18, and 20, after "inter-governmental" insert "mandate" and after the closing quotation marks insert "and by inserting 'mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment'".

Page 6, line 18, strike "and".

Page 6, line 20, strike the period and insert "and".

Page 6, after line 20, insert the following:

(v) by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "and" and by adding the following new clause after clause (iv):

(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment."

Page 7, line 12, strike "one point" and insert "two points" and on line 14, insert after "(a)(2)" the following: "with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates."

It was decided in the { Yeas ..... 190  
negative ..... { Nays ..... 221

## ¶47.26 [Roll No. 157]

## AYES—190

Abercrombie	Hall (OH)	Moran (VA)
Ackerman	Hastings (FL)	Morella
Allen	Hefner	Murtha
Andrews	Hilliard	Nadler
Baldacci	Hinchey	Neal
Barcia	Hinojosa	Oberstar
Barrett (WI)	Holden	Obey
Becerra	Hooley	Oliver
Bentsen	Horn	Ortiz
Berman	Hoyer	Owens
Billbray	Jackson (IL)	Pallone
Blagojevich	Jackson-Lee	Pascrell
Blumenauer	(TX)	Pastor
Boehlert	Jefferson	Payne
Bonior	Johnson (CT)	Pelosi
Borski	Johnson (WI)	Poshard
Boswell	Johnson, E. B.	Price (NC)
Boucher	Kanjorski	Rahall
Brown (CA)	Kaptur	Ramstad
Brown (FL)	Kelly	Rangel
Brown (OH)	Kennedy (MA)	Reyes
Capps	Kennedy (RI)	Rivers
Cardin	Kennelly	Rodriguez
Carson	Kildee	Rothman
Clayton	Kilpatrick	Roukema
Clement	Kind (WI)	Roybal-Allard
Clyburn	Klecza	Rush
Conyers	Klink	Sabo
Costello	Kucinich	Sanchez
Coyne	LaFalce	Sanders
Cummings	Lampson	Sawyer
Davis (IL)	Lantos	Saxton
Davis (VA)	Lazio	Scott
DeFazio	Leach	Serrano
DeGette	Lee	Shays
Delahunt	Levin	Sherman
DeLauro	Lewis (GA)	Slaughter
Deutsch	Lipinski	Smith (NJ)
Dicks	LoBiondo	Smith, Adam
Dingell	Lofgren	Spratt
Dixon	Lowe	Stabenow
Doggett	Luther	Stark
Doyle	Maloney (CT)	Stokes
Engel	Maloney (NY)	Strickland
Eshoo	Manton	Stupak
Etheridge	Markey	Tauscher
Evans	Martinez	Thompson
Farr	Mascara	Thurman
Fazio	Matsui	Tierney
Filner	McCarthy (MO)	Torres
Forbes	McCarthy (NY)	Towns
Ford	McDermott	Velazquez
Fox	McGovern	Vento
Frank (MA)	McHale	Visclosky
Franks (NJ)	McKinney	Walsh
Frelinghuysen	Meehan	Watt (NC)
Frost	Meek (FL)	Waxman
Furse	Menendez	Wexler
Gejdenson	Millender-	Weygand
Gephardt	McDonald	Wise
Gilchrest	Miller (CA)	Woolsey
Gilman	Mink	Wynn
Green	Moakley	Yates
Gutierrez	Mollohan	

## NOES—221

Aderholt	Gillmor	Peterson (MN)
Archer	Goode	Peterson (PA)
Armey	Goodlatte	Petri
Bachus	Gordon	Pickering
Baker	Goss	Pickett
Ballenger	Graham	Pitts
Barr	Granger	Pombo
Barrett (NE)	Gutknecht	Pomeroy
Bartlett	Hall (TX)	Porter
Barton	Hamilton	Portman
Bass	Hansen	Pryce (OH)
Bereuter	Hastert	Quinn
Berry	Hastings (WA)	Radanovich
Bilirakis	Hayworth	Redmond
Bishop	Hefley	Regula
Bliley	Herger	Riggs
Blunt	Hill	Riley
Boehner	Hilleary	Roemer
Bonilla	Hobson	Rogers
Bono	Hoekstra	Rohrabacher
Boyd	Hostettler	Ros-Lehtinen
Brady	Houghton	Royce
Bryant	Hulshof	Salmon
Bunning	Hunter	Sandlin
Burr	Hutchinson	Sanford
Burton	Hyde	Scarborough
Buyer	Inglis	Schaefer, Dan
Callahan	Istook	Schaffer, Bob
Calvert	Jenkins	Sensenbrenner
Camp	John	Sessions
Campbell	Johnson, Sam	Shadegg
Canady	Jones	Shaw
Cannon	Kasich	Shimkus
Castle	Kim	Sisisky
Chabot	King (NY)	Skeen
Chambliss	Kingston	Skelton
Chenoweth	Klug	Smith (MI)
Christensen	Knollenberg	Smith (OR)
Coble	Kolbe	Smith (TX)
Coburn	LaHood	Smith, Linda
Collins	Largent	Snowbarger
Combest	Latham	Snyder
Condit	LaTourette	Solomon
Cook	Lewis (CA)	Souder
Cooksey	Lewis (KY)	Spence
Cox	Linder	Stearns
Cramer	Lucas	Stenholm
Crapo	Manzullo	Stump
Cubin	McCollum	Sununu
Cunningham	McCrery	Talent
Danner	McDade	Tanner
Davis (FL)	McHugh	Tauzin
Deal	McInnis	Taylor (MS)
DeLay	McIntosh	Taylor (NC)
Diaz-Balart	McIntyre	Thomas
Dooley	McKeon	Thornberry
Doolittle	Metcalfe	Thune
Dreier	Mica	Tiahrt
Duncan	Miller (FL)	Traficant
Dunn	Minge	Turner
Edwards	Moran (KS)	Upton
Ehlers	Myrick	Wamp
Ehrlich	Nethercutt	Watkins
Emerson	Neumann	Watts (OK)
English	Ney	Weldon (FL)
Ensign	Northup	Weldon (PA)
Everett	Norwood	Weller
Fawell	Nussle	White
Foley	Oxley	Whitfield
Fossella	Packard	Wicker
Fowler	Pappas	Wolf
Gallegly	Parker	Young (AK)
Gekas	Paul	Young (FL)
Gibbons	Pease	

## NOT VOTING—21

Baesler	Ganske	Meeks (NY)
Bateman	Gonzalez	Paxon
Clay	Goodling	Rogan
Crane	Greenwood	Ryun
Dickey	Harman	Schumer
Ewing	Livingston	Shuster
Fattah	McNulty	Skaggs

So the amendment was not agreed to.

## ¶47.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BOEHLERT:

Page 5, line 21, strike "amendment".

Page 6, strike lines 15 and 16 and in lines 17 and 19 redesignated clauses (iii) and (iv) as (ii) and (iii) respectively.

It was decided in the { Yeas ..... 189  
negative ..... { Nays ..... 223

## ¶47.28 [Roll No. 158]

## AYES—189

Abercrombie	Hefner	Nadler
Ackerman	Hilliard	Neal
Allen	Hinchey	Oberstar
Andrews	Hinojosa	Obey
Baldacci	Holden	Oliver
Barrett (WI)	Hooley	Owens
Becerra	Horn	Pallone
Bentsen	Hoyer	Pascrell
Berman	Jackson (IL)	Pastor
Blagojevich	Jackson-Lee	Payne
Blumenauer	(TX)	Pelosi
Boehlert	Jefferson	Petri
Bonior	Johnson (WI)	Pomeroy
Borski	Johnson, E. B.	Porter
Boswell	Kanjorski	Poshard
Boucher	Kaptur	Quinn
Brown (CA)	Kelly	Rahall
Brown (FL)	Kennedy (MA)	Ramstad
Brown (OH)	Kennedy (RI)	Rangel
Capps	Kennelly	Rivers
Cardin	Kildee	Rodriguez
Carson	Kilpatrick	Rothman
Castle	Kind (WI)	Roukema
Clayton	Klecza	Roybal-Allard
Clement	Klink	Rush
Clyburn	Kucinich	Sabo
Conyers	LaFalce	Sanchez
Costello	Lampson	Sanders
Coyne	Lantos	Sawyer
Cummings	LaTourette	Saxton
Davis (IL)	Leach	Scott
DeFazio	Lee	Serrano
DeGette	Levin	Shays
Delahunt	Lewis (GA)	Slaughter
DeLauro	Lipinski	Smith (NJ)
Deutsch	LoBiondo	Smith, Adam
Dicks	Lofgren	Spratt
Dingell	Lowe	Stabenow
Dixon	Luther	Stark
Doggett	Maloney (NY)	Stokes
Doyle	Manton	Strickland
Engel	Markey	Stupak
Eshoo	Martinez	Tauscher
Etheridge	Mascara	Thompson
Evans	Matsui	Thurman
Farr	McCarthy (MO)	Tierney
Fawell	McCarthy (NY)	Torres
Fazio	McDade	Towns
Filner	McDermott	Upton
Forbes	McGovern	Velazquez
Ford	McHale	Vento
Frank (MA)	McKinney	Visclosky
Franks (NJ)	Meehan	Walsh
Frelinghuysen	Meek (FL)	Waters
Frost	Menendez	Watt (NC)
Furse	Millender-	Waxman
Gejdenson	McDonald	Weldon (PA)
Gephardt	Miller (CA)	Wexler
Gilchrest	Mink	Weygand
Gilman	Moakley	Wise
Green	Mollohan	Woolsey
Gutierrez	Moran (VA)	Wynn
	Morella	Yates
	Murtha	

## NOES—223

Aderholt	Buyer	Diaz-Balart
Archer	Callahan	Dickey
Armey	Calvert	Dooley
Bachus	Camp	Doolittle
Baker	Campbell	Dreier
Ballenger	Canady	Duncan
Barcia	Cannon	Dunn
Barr	Chabot	Edwards
Barrett (NE)	Chambliss	Ehrlich
Bartlett	Chenoweth	Emerson
Barton	Christensen	English
Bass	Coble	Ensign
Bereuter	Coburn	Everett
Berry	Collins	Foley
Billbray	Combest	Fossella
Bilirakis	Condit	Fowler
Bishop	Cook	Fox
Bliley	Cooksey	Gallegly
Blunt	Cox	Gekas
Boehner	Cramer	Gibbons
Bonilla	Crapo	Gillmor
Bono	Cubin	Goode
Boyd	Cunningham	Goodlatte
Brady	Danner	Gordon
Bryant	Davis (FL)	Goss
Bunning	Davis (VA)	Graham
Burr	Deal	Granger
Burton	DeLay	Gutknecht